

## County of Fairfax, Virginia

## MEMORANDUM

Office of the County Attorney Suite 549, 12000 Government Center Parkway Fairfax, Virginia 22035-0064

Phone: (703) 324-2421; Fax: (703) 324-2665 www.fairfaxcounty.gov

DATE:

September 19, 2011

TO:

Nick Rogers, Staff Coordinator

Zoning Evaluation Division

Department of Planning and Zoning

FROM:

Bette R. Crane, Paralegal

Office of the County Attorney

**SUBJECT:** 

Revised Affidavit

PCA 2004-DR-023-03

Applicant: Trinity Group, LLC PC Hearing Date: 10/27/11

BOS Hearing Date: Not yet scheduled

REF.:

112644

Attached is an affidavit which has been approved by the Office of the County Attorney for the above-referenced case. Please include this affidavit dated 9/16/11, which bears my initials and is numbered 112644, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Laura Gumkowski, Planning Technician (sent via e-mail)

**Zoning Evaluation Division** 

Department of Planning and Zoning

#### **REZONING AFFIDAVIT**

DATE:	SEP 1 6 2011
	(enter date affidavit is notarized)

I, Lori R. Greenlief (enter name of	applic	ant or authorized agent) , do hereby	_, do hereby state that I am an	
(check one)	[ ] [ <b>/</b> ]	applicant applicant's authorized agent listed in Par. 1(a) below	112644	
in Application No.(s):	PCA	2004-DR-023-03		
		(enter County-assigned application number(s), e.g. F	RZ 88-V-001)	
and that, to the best of	my kr	nowledge and belief, the following information is true	:	

1(a). The following constitutes a listing of the names and addresses of all APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES of the land described in the application,\* and, if any of the foregoing is a TRUSTEE,\*\* each BENEFICIARY of such trust, and all ATTORNEYS and REAL ESTATE BROKERS, and all AGENTS who have acted on behalf of any of the foregoing with respect to the application:

(<u>NOTE</u>: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent**, **Contract Purchaser/Lessee**, **Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Trinity Group, LLC Agent: Glenn A. Youngkin Derek G. Rust	1001 Pennsylvania Avenue, NW Washington, DC 20004	Applicant/Contract Purchaser of Tax Map Number 21-3 ((1)) 56A
Oakcrest School Agent: Ellen M. Cavanagh	850 Balls Hill Road McLean, VA 22101	Title Owner of Tax Map Number 21-3 ((1)) 56A
VIKA, Incorporated Agent: John. F. Amatetti Bryne D. Riley	8180 Greensboro Drive, Suite 200 McLean, VA 22102	Engineer/Agent
M.J. Wells & Associates, Inc. Agent: Jami L. Milanovich William F. Johnson Brent M. Tucker Robin L. Antonucci	1420 Spring Hill Road, Suite 600 McLean, VA 22102	Traffic Consultant/Agent
(check if applicable) [	There are more relationships to be listed continued on a "Rezoning Attachment t	` '

- \* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
- \*\* List as follows: <u>Name of trustee</u>, Trustee for (<u>name of trust</u>, <u>if applicable</u>), for the benefit of: (<u>state name of each beneficiary</u>).

	Rezoning Attachment to Par. 1(a) SEP 1 6 2011	Page of
	DATE:	117/16
for Application No. (s):	(enter date affidavit is notarized) PCA 2004-DR-023-03	112644
••	(enter County-assigned application number (s))	

(<u>NOTE</u>: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
McGuireWoods LLP Agents: Scott E. Adams Carson Lee Fifer, Jr. David R. Gill Jonathan P. Rak Gregory A. Riegle Mark M. Viani Kenneth W. Wire Sheri L. Akin Lisa M. Chiblow Lori R. Greenlief	1750 Tysons Boulevard, Suite 1800 Tysons Corner, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent Planner/Agent

(check if applicable)

[ ] There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

#### REZONING AFFIDAVIT

	DATE:	SEP 1 6 2011	11 - 1 111
		(enter date affidavit is notarized)	11 2644
for Application No. (s):	PCA 2004-DR-	023-03	
		ounty-assigned application number(s))	

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(<u>NOTE</u>: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

#### CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Trinity Group, LLC
1001 Pennsylvania Avenue, NW
Washington, DC 20004

#### **DESCRIPTION OF CORPORATION:** (check <u>one</u> statement)

[7] There are 10 or less shareholders, and all of the shareholders are listed below.
 [ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 [ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Suzanne S. Youngkin

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice President, Secretary, Treasurer, etc.)

Suzanne S. Youngkin, Manager Glenn A. Youngkin, Manager

(check if applicable) [7] There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

		_ \ _ 7
	Rezoning Attachment to Par. 1(b)  SEP 1 6 2011  DATE:  (enter date affidavit is notarized)  (enter County-assigned application number (s))  CORRORATION: (enter correlate name a purchase attacts either at	Page of 7
	<b>DRESS OF CORPORATION:</b> (enter complete name, number, street, city, st	ate, and zip code)
VIKA, Incorporat 8180 Greensboro McLean, VA 221	Drive, Suite 200	
DESCRIPTIO [/] [ ]	There are 10 or less shareholders, and all of the shareholders are listed below. There are more than 10 shareholders, and all of the shareholders owning 10% or class of stock issued by said corporation are listed below.  There are more than 10 shareholders, but no shareholder owns 10% or more of stock issued by said corporation, and no shareholders are listed below.	·
NAMES OF T John F. Amatetti Charles A. Irish, Ji Harry L. Jenkins Robert R. Cochran	Kyle U. Oliver	
	OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and e-President, Secretary, Treasurer, etc.)	title, e.g.
NAME & ADE M.J. Wells & Asso 1420 Spring Hill R McLean, VA 2210	Road, Suite 600	e, and zip code)
DESCRIPTIO	N OF CORPORATION: (check one statement)	
[ ] [ <b>/</b> ]	There are 10 or less shareholders, and all of the shareholders are listed below. There are more than 10 shareholders, and all of the shareholders owning 10% of the shareholders.	or more of any
	class of stock issued by said corporation are listed below.	
[]	There are <u>more than 10</u> shareholders, but <u>no shareholder owns 10% or more</u> of of stock issued by said corporation, and <u>no shareholders are listed below</u> .	any class
NAMES OF T	HE SHAREHOLDERS: (enter first name, middle initial, and last name)	
	ociates, Inc. Employee Stock Ownership Trust (ESOT). All employees are eligible plan particore than 10% of any class of stock.	ripants; however, no one
	DFFICERS & DIRECTORS: (enter first name, middle initial, last name, and e-President, Secretary, Treasurer, etc.)	title, e.g.

There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

FORM RZA-1 Updated (7/1/06)

 $[ \mathbf{1} ]$ 

(check if applicable)

Page 2 of 2

## Rezoning Attachment to Par. 1(b)

	DATE: SEP 1	6 2011	112/2411
for Application No. (s):	man and a second a	fidavit is notarized)	112644
ioi rippiioution rioi (b).	(enter County-assigned a	pplication number (s))	<del>-</del> '
NAME & ADDRESS O	CORPORATION: (enter com	plete name, number, street, cit	y, state, and zip code)
Oakcrest School 850 Balls Hill Road McLean, VA 22101			
[ ] There are [ ] There are class of s [ ] There are	RPORATION: (check <u>one</u> state <u>10 or less</u> shareholders, and all of <u>more than 10</u> shareholders, and all ock issued by said corporation are <u>more than 10</u> shareholders, but <u>no</u> ed by said corporation, and <u>no sha</u>	the shareholders are listed be l of the shareholders owning 1 listed below. shareholder owns 10% or mo	0% or more of any
NAMES OF THE SHA	REHOLDER: (enter first name,	middle initial, and last name)	
Dakcrest School is a District of	Columbia corporation (non-profit and n	on-stock)	
NAME & ADDRESS OF	CORPORATION: (enter compl	ete name, number, street, city,	state, and zip code)
[ ] There are class of s  [ ] There are class of s  [ ] There are of stock  NAMES OF THE SHAP  NAMES OF OFFICER	RPORATION: (check one statem 10 or less shareholders, and all of more than 10 shareholders, and all ock issued by said corporation are more than 10 shareholders, but no study by said corporation, and no statement of the stateme	the shareholders are listed bell of the shareholders owning 1 listed below.  shareholder owns 10% or moshareholders are listed below.  middle initial, and last name)	0% or more of any ore of any class
(check if applicable)	There is more corporation in "Rezoning Attachment to P	nformation and Par. 1(b) is cont ar. 1(b)" form.	inued further on a

Page Three

#### **REZONING AFFIDAVIT**

DATE: SEP 1 6 2011 (enter date affidavit is notarized)

112644

for Application No. (s):	PCA 2004-DR-023-03	
	(enter County-assigned application nun	nber(s))

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

#### PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

McGuireWoods LLP 1750 Tysons Boulevard, Suite 1800 Tysons Corner, VA 22102

(check if applicable)

 $[ \checkmark ]$  The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

#### Equity Partners of McGuireWoods LLP

Adams, John D.	Beil, Marshall H.	Burk, Eric L.
Alphonso, Gordon R.	Belcher, Dennis I.	Busch, Stephen D.
Anderson, Arthur E., II	Bell, Craig D.	Cabaniss, Thomas E.
Anderson, Mark E.	Beresford, Richard A.	Cacheris, Kimberly Q
Andre-Dumont, Hubert	Bilik, R. E.	Cairns, Scott S.
Bagley, Terrence M.	Blank, Jonathan T.	Capwell, Jeffrey R.
Barger, Brian D.	Boland, J. W.	Cason, Alan C.
Barnum, John W.	Brenner, Irving M.	Chaffin, Rebecca S.
Becker, Scott L.	Brooks, Edwin E.	Cobb, John H.
Becket, Thomas L.	Brose, R. C.	Cogbill, John V., III

(check if applicable) [1] There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Page 1 of 2

#### Rezoning Attachment to Par. 1(c)

DATE: SEP 1 6 2011

(enter date affidavit is notarized)

for Application No. (s): PCA 2004-DR-023-03

(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

McGuireWoods LLP 1750 Tysons Boulevard, Suite 1800 Tysons Corner, VA 22102

(check if applicable)

The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

Covington, Peter J. Cramer, Robert W. Cromwell, Richard J. Culbertson, Craig R. Cullen, Richard (nmi) Cutler, Christopher M. Daglio, Michael R. De Ridder, Patrick A. Dickerman, Dorothea W. DiMattia, Michael J. Dooley, Kathleen H. Downing, Scott P. Edwards, Elizabeth F. Ensing, Donald A. Ey, Douglas W., Jr. Farrell, Thomas M. Feller, Howard (nmi) Fennebresque, John C. Foley, Douglas M. Fox, Charles D., IV France, Bonnie M. Franklin, Ronald G. Fratkin, Bryan A. Freedlander, Mark E. Freeman, Jeremy D. Fuhr, Joy C.

Gibson, Donald J., Jr. Glassman, Margaret M. Glickson, Scott L. Gold, Stephen (nmi) Goldstein, Philip (nmi) Grant, Richard S. Greenberg, Richard T. Grieb, John T. Harmon, Jonathan P. Harmon, T. C. Hartsell, David L. Hatcher, J. K. Hayden, Patrick L. Hayes, Dion W. Heberton, George H. Hedrick, James T., Jr. Horne, Patrick T. Hosmer, Patricia F. Hutson, Benne C. Isaf, Fred T. Jackson, J. B. Jarashow, Richard L. Jordan, Hilary P. Kanazawa, Sidney K. Kannensohn, Kimberly J. Katsantonis, Joanne (nmi)

Kerr, James Y., II

Kilpatrick, Gregory R. King, Donald E. King, Sally D. Kittrell, Steven D. Kobayashi, Naho (nmi) Kratz, Timothy H. Krueger, Kurt J. Kutrow, Bradley R. La Fratta, Mark J. Lias-Booker, Ava E. Lieberman, Richard E. Little, Nancy R. Long, William M. Manning, Amy B. Marianes, William B. Marks, Robert G. Marshall, Gary S. Marshall, Harrison L., Jr. Marsico, Leonard J. Martin, Cecil E., III Martin, George K. Martinez, Peter W. Mason, Richard J. Mathews, Eugene E., III Mayberry, William C. McCallum, Steven C. McDonald, John G.

(check if applicable)

Gambill, Michael A.

There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

#### Rezoning Attachment to Par. 1(c)

	DATE:	SEP 1	6 2011	112644
for Application No. (s):	PCA 2004-DR	(enter date affice 4-023-03	lavit is notarized)	
			olication number (s)	

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

McGuireWoods LLP 1750 Tysons Boulevard, Suite 1800 Tysons Corner, VA 22102

(check if applicable) [1]

The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

McElligott, James P. McFarland, Robert W. McIntyre, Charles W. McLean, J. D. McRill, Emery B. Moldovan, Victor L. Muckenfuss, Robert A. Muir, Arthur B. Murphy, Sean F. Natarajan, Rajsekhar (nmi) Neale, James F. Nesbit, Christopher S. Nickens, Jacks C. O'Grady, Clive R. O'Grady, John B. O'Hare, James P. Oakey, David N. Oostdyk, Scott C. Padgett, John D. Parker, Brian K. Phears, H. W. Phillips, Michael R. Plotkin, Robert S. Pryor, Robert H. Pusateri, David P. Rak, Jonathan P.

Rakison, Robert B. Reid, Joseph K., III Richardson, David L. Riegle, Gregory A. Riley, James B., Jr. Riopelle, Brian C. Roberts, Manley W. Robinson, Stephen W. Rogers, Marvin L. Rohman, Thomas P. Rosen, Gregg M. Rust, Dana L. Satterwhite, Rodney A. Scheurer, P. C. Schewel, Michael J. Schill, Gilbert E., Jr. Schmidt, Gordon W. Sellers, Jane W. Shelley, Patrick M. Simmons, L. D., II Simmons, Robert W. Skinner, Halcyon E. Slone, Daniel K. Spahn, Thomas E. Spitz, Joel H. Stallings, Thomas J.

Steen, Bruce M. Stein, Marta A. Stone, Jacquelyn E. Swan, David I. Tackley, Michael O. Tarry, Samuel L., Jr. Thornhill, James A. Van der Mersch, Xavier G. Vaughn, Scott P. Vick, Howard C., Jr. Viola, Richard W. Wade, H. L., Jr. Walker, John T., IV Walker, W. K., Jr. Walsh, James H. Watts, Stephen H., II Westwood, Scott E. Whelpley, David B., Jr. White, H. R., III White, Walter H., Jr. Wilburn, John D. Williams, Steven R. Wren, Elizabeth G. Young, Kevin J.

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Page Four

# REZONING AFFIDAVIT

SEP 1 6 2011 112644 DATE: (enter date affidavit is notarized) for Application No. (s): PCA 2004-DR-023-03 (enter County-assigned application number(s)) 1(d). One of the following boxes **must** be checked: In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT **PURCHASER,** or **LESSEE\*** of the land: Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. 2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land. **EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.) NONE

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

### REZONING AFFIDAVIT

	DATE			112644
		(enter date affidavit is no	otarized)	, , )
for Ap	oplication No. (s): PCA 2004-DI (enter	R-023-03 County-assigned application	n number(s))	
3.	That within the twelve-month Fairfax County Board of Super household, either directly or by or attorney, or through a partner officer, director, employee, ago of stock of a particular class, hordinary depositor or customer including any gift or donation any of those listed in Par. 1 ab	rvisors, Planning Commissi y way of partnership in which er of any of them, or through ent, or attorney or holds 10% as, or has had any business r relationship with or by a re having a value of more than	on, or any member of he ch any of them is a part hat a corporation in which or more of the outstate or financial relationshietail establishment, pub	the there immediate the there, employee, agent, the any of them is an ending bonds or shares p, other than any olic utility, or bank,
	EXCEPT AS FOLLOWS: (	NOTE: If answer is none,	enter "NONE" on line	below.)
	Stephen W. Robinson of McGuireWoo	ods LLP donated in excess of \$100 to	to John Cook.	
	(NOTE: Business or financia the filing of this app public hearings. See	lication and before each pu		
	(check if applicable) [ ]	There are more disclosures "Rezoning Attachment to P		continued on a
4.	That the information contain and trusts owning 10% or m PURCHASER, or LESSEE* and every public hearing on or supplemental information in Paragraph 3 above, that a	ore of the APPLICANT, To the land have been list this matter, I will reexamin, including business or fin	TITLE OWNER, COI ed and broken down, ine this affidavit and pancial relationships o	NTRACT and that prior to each provide any changed
WIT	NESS the following signature:  (check one)	[] Applicant	M [/] Applicant's A	uthorized Agent
		Lori R. Greenlief, Land U (type or print first name, n		, and title of signee)
Subso	cribed and sworn to before me th	is 16th day of Septe City of Fairtax	Unie E.	Chal
Му с	ommission expires: 5 31 2	2012	Notary Publi	c
FORM	1 RZA-1 Updated (7/1/06)		Common No Commi	ice E. Chae iwealth of Virginia stary Public ission No. 7172971 on Expires 05/31/2012